

Decision 03-06-047 June 19, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Christopher Douglas,

Complainant,

vs.

Pacific Gas and Electric Company,

Defendant.

(U 39 M)

(ECP)

Case 03-03-032

(Filed March 18, 2003)

OPINION DENYING RELIEF

Summary

Christopher Douglas (Complainant) alleges that Pacific Gas and Electric Company (PG&E) overcharged him, was not billing in accordance with its filed tariff rates, changed his account number because he filed a complaint with the Commission, and refused to provide copies of his billing statements to prevent him from presenting his case.¹

PG&E says it does not keep copies of billing statements sent out because all its customer billing data is stored in computers. However, prior to the hearing, PG&E provided Complainant with a detailed record of his account

¹ Complainant withdrew his allegations of meter reading violations.

showing gas and electric usage, and all monthly charges and transactions related to his account. PG&E also provided a comparison of Complainant's gas and electric usage for the last 12-month and the prior 12-month periods. According to PG&E, Complainant has been correctly billed in accordance with its tariff.

We conclude that Complainant has failed to meet his burden of proof. The complaint is dismissed and this proceeding is closed.

Discussion

An evidentiary hearing was held on April 30, 2003, in San Francisco. Complainant testified on his own behalf, and Consumer Affairs Representative Lena Lopez testified on behalf of PG&E. We summarize below the issues raised by Complainant.

Improper Billing

Complainant says that starting late last year (2002), he received high energy bills and noticed that his bills were increasing by \$8 to \$9 each month. He believes PG&E illegally raised its rates. Complainant provided his PG&E billing statement dated March 25, 2003 to support his allegation that PG&E was not billing in accordance with its filed rates.

At the hearing, PG&E's witness reviewed the billing statement provided by Complainant, line by line, and demonstrated that the rates charged were in accordance with PG&E's filed tariff. Addressing Complainant's allegation that he had been charged twice, PG&E's witness explained that there had been a rate change in that particular month; therefore, the 29 days for that billing period had been separately billed at different rates for 10 days and 19 days respectively. Complainant refused to accept PG&E's explanation.

Further, PG&E stated that Complainant's monthly usage and charges are in line with his historical usage. PG&E points out that the higher costs for

energy incurred for the current 12-month period (3/26/02 to 3/25/03) over the previous twelve months are the result of slightly increased usage, fluctuating gas prices, and energy procurement surcharges (3-cent surcharge) that became effective June 1, 2001, as ordered in Decision (D.) 01-05-064.

Regarding Complainant's allegation that his November 2002 bill increased by \$86.51 compared to the prior month, PG&E says that Complainant's gas usage increased from 71 therms to 103 therms, and electric usage increased from 449 kWh to 716 kWh. According to PG&E, the increase in the bill was due to increased usage compared to the prior month.

Change in Account Number

Complainant believes PG&E changed his account number because of his pending complaint case. PG&E explained that after notifying its customers by means of a bill insert, all its customer account numbers were changed from an alpha-numeric account number to a 10-digit numeric account system. According to PG&E, it implemented a new customer information system and it was simply a coincidence that Complainant had filed a complaint with the Commission at that time.

Copies of Billing Statements

Complainant says he lost his PG&E billing statements when he moved. He believes PG&E refused to provide him with copies because it wanted to hinder his preparation for this case and his court case, where he intends to sue PG&E for \$4,999 in damages for "civil fraud violations." Complainant contends that he has been denied the right to a fair hearing and requests that PG&E be ordered to provide copies of his billing statements. As stated above, PG&E responds that its billing data is stored in computers and it is unable to provide copies of billing statements sent to customers.

Conclusion

We are not persuaded that Complainant has been denied a fair hearing. PG&E provided all the billing data necessary for Complainant to prepare his case and this information was provided well in advance of the hearing. At the hearing, PG&E's witness conclusively demonstrated that Complainant had been billed in accordance with PG&E's filed tariff rates. Therefore, the complaint should be dismissed.

O R D E R

IT IS ORDERED that:

1. The complaint of Christopher Douglas is dismissed.
2. The amount of \$350 held in deposit with the Commission shall be disbursed to Pacific Gas and Electric Company.
3. This proceeding is closed.

This order is effective today.

Dated June 19, 2003, at San Francisco, California.

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners